

**From:** Kenneth Arnold  
**To:** Microsoft ATR  
**Date:** 1/27/02 10:42pm  
**Subject:** Microsoft Settlement

I am writing to express comments on the proposed Microsoft settlement, with expectations that it will be considered under the Tunney Act.

As a user of many different operating systems, office productivity applications, and web browsers, including those distributed by Microsoft as well as those distributed with or without cost and with or without freedom to examine and improve internal workings (i.e. open source), I view Microsoft's current monopoly status as severely limiting the freedom to innovate of all other involved companies and independant developers.

The Department of Justice has recognized this, but the proposed settlement does not, in my view, take sufficient action to alleviate Microsoft's stranglehold on the software market, restore the freedoms of competition and innovation to other developers, and provide remedy for the deep-seated damages already done by Microsoft's monopoly status.

Specifically, as a US citizen and a user of computing technology in my daily work, I value freedom of choice. In the Microsoft case, this choice is the choice of what software I use to perform various tasks, what infrastructure software is used to allow other software to run, and what entity is in control of data both on my personal computer and on servers used to store and/or distribute content used on my computer, to name a few significant concerns. It is currently possible to operate a computer completely without Microsoft products, as I have done at times, but it can be exceedingly difficult, mainly due to Microsoft's monopoly on the rest of the market comprised of people and organizations with whom I interact. For example, a huge number of applications require the Win32 API in order to run. The Win32 API is currently only implemented in Microsoft Windows to a sufficient degree to run these programs usefully; there is little freedom of choice in running these applications in any operating system other than Windows. Essentially I am forced to use Windows in order to run any of those large number of programs which I may need, and the proposed settlement does nothing to alleviate this requirement.

In essence, Microsoft currently dictates what products can and cannot be used on nearly all personal computers that are currently running Microsoft products. While this in itself is bad enough, what many analysts believe Microsoft is planning to do with its monopoly is still more disturbing. With its ".NET" initiative, it appears that Microsoft is beginning its plan to move software to service-type

use. The end result could be renting the ability to use software, with little practical restrictions on the degree of control Microsoft could exercise over the costs of such services and the monitoring or even controlling of what consumers are doing with these services.

Though the proposed remedy is absolutely necessary, they are not sufficient without amendment to address concerns that I have only briefly and incompletely alluded to above.

Thank you for your careful consideration my comments as well as those of many other citizens in this matter.

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